

Remarks

Claims 1-20, 25, 27-29, 38-45, 50, 53-55, 64-71, 73-126 have been previously canceled or have been canceled herein without prejudice or disclaimer. Applicants reserve the right to pursue claims to subject matter encompassed by all canceled claims in one or more divisional or continuation applications. Claims 21-24, 26, 30-37, 46-49, 51-52, 56-63, and 72 are currently pending. Claim 21 (and thereby dependent claims 22-24, 26, 30-37), claim 46 (and thereby dependent claims 47-49), claim 51 (and thereby dependent claims 52 and 56-63), and claim 72 have been amended herein to include a limitation to monoclonal antibodies.

Claim Rejections - 35 U.S.C. § 112

1) Rejection of claims 73-76, 78-87, and 98-101

A rejection of claims 73-76, 78-87, and 98-101 under 35 U.S.C. § 112, first paragraph has been maintained and made final. *See*, Office Action mailed July 14, 2004, pages 2-4, section 4. Although Applicants respectfully disagree for the reasons of record, claims 73-76, 78-87, and 98-101 have been canceled herein without prejudice or disclaimer. Accordingly, the rejection of these claims has been rendered moot.

For the record, Applicant's note that the previous response did not include a statement that the polynucleotide encoding SEQ ID NO:2 and the cDNA clone in ATCC Deposit No. 97129 "are one and the same". *Compare*, Office Action mailed July 14, 2004, page 2, section 4, last sentence *with* Applicants reply dated April 7, 2004, page 12, last sentence to page 13, first sentence.

2) Rejection of claims 29, 55, and 81

A rejection of claims 29, 55, and 81 under 35 U.S.C. § 112, second paragraph has been maintained and made final. *See*, Office Action mailed July 14, 2004, pages 4-5, section 5. Although Applicants respectfully disagree for the reasons of record, claims 29, 55, and 81 have been canceled herein without prejudice or disclaimer. Accordingly, the rejection of these claims has been rendered moot.

Claim Rejections - 35 U.S.C. § 102

A rejection of claims 21-24, 26, 28, 35, 46-49, 51-52, 54, 61, 72-76, 78, 80, 87, 98-101, 103-104, 106, 113, and 124 under 35 U.S.C. §§ 102 (a) and (e) has been maintained and made final. In particular, it has been asserted that the claims are not allowable in the absence of a limitation drawn to monoclonal antibodies. *See*, Office Action mailed July 14, 2004, pages 5-7, section 6, *especially* page 5, last sentence. Although Applicants respectfully disagree for the reasons of record, claims 28, 54, and 73-76, 78, 80, 87, 98-101, 103-104, 106, 113, and 124 have been canceled herein without prejudice or disclaimer. Claims 21-24, 26, 35, 46-49, 51-52, 61, and 72 have been amended to include a limitation to monoclonal antibodies.

Accordingly, the rejection of these claims under 35 U.S.C. § 102 has been rendered moot or accommodated by the amendments made herein. Applicants respectfully request that the rejection be withdrawn with respect to currently pending, amended claims 21-24, 26, 35, 46-49, 51-52, 61, and 72.

Claim Rejections - 35 U.S.C. § 103

A rejection of claims 21-24, 26, 28, 35, 46-49, 51-52, 54, 61, 72-76, 78, 80, 87, 98-101, 103-104, 106, 113, and 124 under 35 U.S.C. § 103 has been maintained and made final. In particular, it has been asserted that the claims are not allowable in the absence of a limitation drawn to monoclonal antibodies. *See*, Office Action mailed July 14, 2004, page 7, section 7. Although Applicants respectfully disagree for the reasons of record, claims 28, 54, and 73-76, 78, 80, 87, 98-101, 103-104, 106, 113, and 124 have been canceled herein without prejudice or disclaimer. Claims 21-24, 26, 35, 46-49, 51-52, 61, and 72 have been amended to include a limitation to monoclonal antibodies.

Accordingly, the rejection of these claims under 35 U.S.C. § 103 has been rendered moot or accommodated by the amendments made herein. Applicants respectfully request that the rejection be withdrawn with respect to currently pending, amended claims 21-24, 26, 35, 46-49, 51-52, 61, and 72.

Claim Objections

An objection to claims 27, 30-34, 36-37, 53, 56-60, 62-63, 89, 105, 107-112, and 114-115 was maintained for the reasons asserted in the Office Action mailed January 7, 2004 (*see*, Office Action mailed July 14, 2004, page 8, section 8). The Office Action mailed January 7, 2004 indicated the above listed claims would be allowable if drawn to monoclonal antibodies. *See*, Paper No. 27, page 10, section 12. Claims 27, 53, 89, 105, 107-112 and 114-115 have been canceled herein without prejudice or disclaimer. Claims 30-34, 36-37, 56-60, 62-63 have been amended herein to include a limitation to monoclonal antibodies. Accordingly, the objection to these claims has been rendered moot or accommodated by the amendments made herein. Therefore, Applicants respectfully request that the objection to currently pending, amended claims 30-34, 36-37, 56-60, 62-63 be withdrawn.

All other objections and rejections set forth in the paper mailed January 7, 2004 were withdrawn. *See*, Office Action mailed July 14, 2004, page 8, section 10.

In view of the amendments made herein, it is respectfully requested that the rejections and objections with respect to all pending claims be withdrawn.

Conclusion

Applicants respectfully request that the above-made amendments and remarks be entered and made of record in the file history of the instant application. The Examiner is invited to call the undersigned at the phone number provided below if any other further action by Applicant would expedite the examination of this application.

If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 08-3425. If a fee is required for an extension of time under 37 C.F.R. § 1.136, such an extension is requested and the fee should also be charged to our Deposit Account.

Dated: September 13, 2004

Respectfully submitted,

By 
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